

1.9.1



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

April 22, 2004

Mr. John Iani
Regional Administrator
U.S. Environmental Protection Agency
1200 Sixth Avenue (RA-140)
Seattle, WA 98101

Dear Mr. Iani: *John*

The purpose of this letter is to request assistance from the Environmental Protection Agency (EPA) to allow us to accomplish an important state cleanup in Everett Washington. As you may be aware, the Department of Ecology (Ecology) has been trying to clean up the Asarco site in Everett for well over a decade. A total of 686 acres has been contaminated with arsenic and lead at levels that pose a direct threat to human health and the environment. We are particularly concerned that this site lies within a residential community comprised of low income housing, and that unacceptable risks are presented to the children of that area.

As provided in a Snohomish County Superior Court Agreed Judgment dated October 20, 2003, and Ecology Enforcement Order No. 02TCPNR-4059 (2002), Asarco is required to remediate all portions of the site that exceed 3,000 ppm arsenic by October 31, 2004. The cleanup plan for the site is for excavation and offsite disposal. Under the 2004 disbursement of the Asarco Environmental Trust, the Everett Site has been allocated \$1 million toward the cleanup. This is insufficient to fund the cleanup of the site that is estimated to cost approximately \$5,000,000.

Recently the Everett Housing Authority (EHA), Asarco, and Ecology have been negotiating two Prospective Purchaser Agreement Consent Decrees which will facilitate cleanup, purchase, and redevelopment of a significant portion of the site footprint. This transaction will bring needed resources to the cleanup and will pave the way for housing development on the property. However, there is still insufficient funding to cover off-site disposal at a hazardous waste landfill.

The most viable disposal option is for contaminated soil from Everett to be disposed of either in the on-site hazardous waste landfill or under the site-wide cap (depending on concentrations of contaminants and applicable land disposal regulations) at the Asarco Tacoma Smelter. Asarco, Ecology, and EPA personnel have been working together to accomplish this. Both EPA and Ecology have held public meetings to inform the public and have garnered support from the local governments involved.



USEPA SF



1192641



Mr. John Iani
April 22, 2004
Page 2

In order to allow Everett material to be disposed of at the smelter, Section 104(d)(4) of CERCLA may be used. This provision allows two facilities to be treated as one for cleanup purposes, and therefore the material can be appropriately disposed of in Tacoma. To make this happen, the Everett Site would need to be a facility under CERCLA. This can be accomplished through EPA preparing an Action Memorandum covering the disposal. We believe that the risks posed by the site, and the fact that there is no other available funding for cleanup, certainly meet the requirements for a Removal Action.

We request that EPA assist Ecology in accomplishing this important cleanup by doing whatever you can to allow the Everett material to be disposed of at the Tacoma Smelter.

Thank you for your help on this vital matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Hoffman".

Linda Hoffman
Director

cc: Kevin Rochlin, Office of Environmental Cleanup, EPA
Elliott Furst, Assistant Attorney General, Ecology Division
David South, Northwest Regional Office, Ecology